

Message Text

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ACTION EB-07

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FM AMEMBASSY TOKYO

TO SECSTATE WASHDC 9129

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E.O. 11652: N/A

TAGS: BDIS, JA

SUBJECT : TRADE DISPUTE: U.C. HORIZONS INTERNATIONAL VS KENTEI
SHINNIPPONSHA

REF: A. STATE 94254

1. SUMMARY. RESULTS OF EMBASSY'S INQUIRIES CONCERNING HORIZONS
INTERNATIONAL TRADE DISPUTE LEAD US TO CONCLUDE THAT HORIZONS
SHOULD CONTINUE TO PURSUE LEGAL REMEDIES AND THAT THERE IS
LITTLE WE CAN DO TO HELP. END SUMMARY.

2. KENTEI SHIN-NIPPONSHA (KSN) TOLD US HORIZONS' REQUEST
FOR INFORMATION RELATED TO CAUSTIC SODA PRODUCTION
METHODS WHICH THE FIRM CONSIDERED OUTSIDE THE SCOPE OF
THEIR NORMAL INSPECTION AND ANALYTICAL RESPONSIBILITIES.
KSN REGARDS THE INFORMATION CONTAINED IN THEIR REPORT AS
SUFFICIENT TO DETERMINE THE AMOUNT AND QUALITY OF
GOODS IN QUESTION. THE FIRM ADDED THAT THE SHIPMENT HAD
BEEN DOUBLE-CHECKED BY AN AMERICAN SURVEY FIRM AND FOUND TO
BE WITHIN AN ALLOWABLE QUALITY RANGE. KSN ALSO
EXAMINED THE LIQUID TANKS IN THE CARRIER WHEN IT
RETURNED TO JAPAN AND FOUND THEM TO HAVE BEEN ADEQUATELY
MAINTAINED. KSN WOULD, HOWEVER, BE WILLING TO MAKE THE
SHIPPING SAMPLE AVAILABLE IF REQUESTED.

3. KSN ASSERTS THAT HORIZONS' CASE IS NOT ONE
INVOLVING MARINE DAMAGE THAT COULD BE COVERED BY
INSURANCE. RATHER IT IS A DISPUTE BETWEEN HITSUBISHI
AND HORIZONS OVER CONTRACT TERMS.

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RM ACCORDING TO MITSUBSHI, THE COMPANY HAS FILED A LAWSUIT AGAINST HORIZONS IN LOS ANGELES FOR NON-PAYMNT OF \$654,700 FOR CAUSTIC SODA SHIPPED IN NOVEMBER 1974. MITSUBISHI DENIES HORIZONS' CONTENTIONS THAT IT: A) INTIONALLY DELAYED SHIPMENT; B) SUBSTITUTED DIAPHRAGM-CELL PRODUCED CAUSTIC SODA FOR MRCURY-CELL PROCESSED SODA; OR CL CAN BE HELD RESONSIBLE FOR IRON CONTAMINATION DURING SHIPMENT.

5. THE EMBASSY IS IN NO POSITION TO JUDGE THE VERACITY OF THE VARIOUS CHARGES AND COUNTER-CHARGES. WE RECOMMEND THAT HORIZONS INTERNATIONAL BE PROVIDED WITH A LIST OF ATTORNEYS IN TOKYO AVAILABLE IN THE DEPARTMENT. IN OUR EXPERIENCE THERE ARE LAWYERS HERE WHO WOULD BE WILLING TO TAKE ON A CASE INVOLVING MITSUBISHI.
HODGSON

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